

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTEL INC,

Plaintiff,

ANSWER
07 cv 2986 (DC)

-against-

JEREMY ABRAM

Defendants.

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Defendant JEREMY ABRAM by his attorney of record Fred Lichtmacher hereby answers the plaintiff's complaint in the above-entitled action and states to this Court upon information and belief the following.

NATURE OF THE ACTION

1 Defendant neither admits nor denies the allegations contained in paragraph designated "1" of the complaint and respectfully refers all questions of law to the Court.

JURISDICTION

2 Defendant neither admits nor denies the allegations contained in paragraph designated "2" of the complaint and respectfully refers all questions of law to the Court.

3 Defendant neither admits nor denies the allegations contained in paragraph designated "3" of the complaint and respectfully refers all questions of law to the Court.

PARTIES

4 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "4" of the complaint.

5 Defendant admits the allegations contained within the paragraph designated

"5" of the complaint. **ASK THE CLIENT**

6 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "6" of the complaint.

7 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "7" of the complaint.

8 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "8" of the complaint.

9 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "9" of the complaint.

10 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "10" of the complaint.

11 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "11" of the complaint.

12 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "12" of the complaint.

13 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "13" of the complaint.

14 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "14" of the complaint.

15 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "15" of the complaint.

DEFENDANT'S CONDUCT

16 Defendant admits the allegations contained in the paragraph designated "16" of the complaint.

17 Defendant admits he posted adult web sites at the URL's alleged in the paragraph designated "17" of the complaint. Defendant denies information sufficient to form a belief as to the truth of the accuracy of the remainder of the paragraph designated "17" of the complaint.

18 Defendant denies the allegations in the paragraph designated "18" of the complaint.

FIRST CLAIM FOR RELIEF

19 With respect to paragraph "19" of the complaint defendant repeats reiterates and realleges each and every response contained in paragraphs "1" through "18" of his answer as if fully set forth herein.

20 Defendant denies the allegations in the paragraph designated "20" of the complaint.

21 Defendant denies the allegations in the paragraph designated "21" of the complaint.

22 Defendant denies the allegations in the paragraph designated "22" of the complaint.

23 Defendant denies the allegations in the paragraph designated "23" of the complaint.

SECOND CLAIM FOR RELIEF

24 With respect to paragraph "24" of the complaint defendant repeats reiterates and realleges each and every response contained in paragraphs "1" through "23" of his answer as if fully set forth herein.

25 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "25" of the complaint.

26 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "26" of the complaint.

27 Defendant denies the allegations in the paragraph designated "27" of the complaint.

28 Defendant denies the allegations in the paragraph designated "28" of the complaint.

29 Defendant denies the allegations in the paragraph designated "29" of the complaint.

THIRD CLAIM FOR RELIEF

30 With respect to paragraph "30" of the complaint defendant repeats reiterates and realleges each and every response contained in paragraphs "1" through "29" of his answer as if fully set forth herein.

31 Defendant denies knowledge or information sufficient to form a belief as to the truth or accuracy of each and every allegation contained in the paragraph designated "31" of the complaint.

32 Defendant denies the allegations in the paragraph designated "32" of the complaint.

33 Defendant denies the allegations in the paragraph designated "33" of the complaint.

34 Defendant denies the allegations in the paragraph designated "34" of the complaint.

FOURTH CLAIM FOR RELIEF

35 With respect to paragraph "35" of the complaint defendant repeats reiterates and realleges each and every response contained in paragraphs "1" through "34" of his answer as if fully set forth herein.

36 Defendant denies the allegations in the paragraph designated "36" of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

37 Defendant's use of the names "yammybarie.com" "yammiebarbie.com" and "yammiebarbies.com" were not likely to cause consumer confusion.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

38 The complaint fails to state a claim for which relief can be granted.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

39 Plaintiff has incurred no damages.

WHEREFORE, the defendant demands judgment dismissing the complaint herein together with attorney's fees costs and disbursement incurred by said defendant and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
July 15, 2007

_____/s/
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